

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

WESTBORO CONDOMINIUM
ASSOCIATION, a Washington Non-Profit
Corporation,

Plaintiff,

v.

COUNTRY CASUALTY INSURANCE
COMPANY, an Illinois Corporation; COUNTRY
MUTUAL INSURANCE COMPANY, an Illinois
Corporation; EAGLE WEST INSURANCE
COMPANY, a California Corporation; and DOE
INSURANCE COMPANIES 1–10,
Defendants,

Defendants.

NO. 2:21-cv-00685-BJR

STIPULATED MOTION AND ORDER TO
CONTINUE TRIAL DATE AND RELATED
DEADLINES PENDING THE COURT’S
RULINGS ON THE PARTIES’ SUMMARY
JUDGMENT MOTIONS

I. STIPULATED MOTION

Plaintiff Westboro Condominium Association (“Association”) and Defendants Country Casualty Insurance Company and Country Mutual Insurance Company (hereby collectively referred to as “Country Mutual”), by and through their respective counsel, stipulate to this Motion to Continue Trial Date and Related Deadlines Pending the Court’s Rulings on the Parties’ Summary Judgment Motions (“Stipulated Motion for Trial Continuance”). The Association filed its Motion for Partial Summary Judgment on August 8, 2022. Country filed its Motion for Partial Summary

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ON THE PARTIES’ SUMMARY JUDGMENT
MOTIONS - 1

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Judgment on August 22, 2022.¹ The Association's Motion for Partial Summary Judgment has been fully briefed; Country Mutual's Motion for Partial Summary Judgment must be fully briefed no later than September 26, 2022. Trial in this matter is currently scheduled for December 19, 2022. Pretrial deadlines in this matter, including the deadlines for Plaintiff's Pretrial Statement, Defendant's Pretrial Statement, the Joint Pretrial Statement, and Motions in Limine are rapidly approaching,² and therefore it is likely that the parties will have to prepare these documents before the Court has had an opportunity to issue its ruling(s) in this matter. Further, the Joint Pretrial Statement requires the parties to submit proposed jury instructions, amongst other documents. The parties believe that the rulings on the summary judgment motions may resolve many disagreements as to coverage and will narrow disagreements as to jury instructions and potentially simplify the exhibits to be used at trial.

Because the parties anticipate that the Court's ruling(s) on the summary judgment motions filed in this matter may significantly narrow the issues for trial, counsel for the Association and Country Mutual have met and conferred and propose a short, three-month extension of the trial date, as well as a corresponding extension of all remaining pretrial deadlines, from the date the rulings are filed in this matter. The Parties therefore request that the Court continue the trial date for a period of three months (as well as the remaining pretrial deadlines in this matter³) after it rules on the parties' summary judgment motions.

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¹ The Association has filed a Motion for Sanctions Seeking to Strike Defendants' Untimely Motion for Partial Summary Judgment Filed in Violation of the Court's Scheduling Order Pursuant to Fed. R. Civ. P. 16(f)(1)(C), which will be fully briefed by September 28, 2022.

² Plaintiff's Pretrial Statement must be served by October 21, 2022. Defendants' Pretrial Statement must be served by November 1, 2022. Motions in Limine are due November 14, 2022, and the deadline to file a Joint Pretrial Statement in this matter is November 21, 2022.

³ These deadlines include the Motions in Limine Deadline (November 14, 2022), Joint Pretrial Statement (November 21, 2022), and Pretrial Conference (December 5, 2022) (*See* Dkt. 12). The parties are not seeking to revive any case scheduling deadline that has expired as of the date of this filing.

II. GOOD CAUSE SHOWN

Pursuant to LCR 16(b)(6), a scheduling order may be modified “only for good cause and with the judge’s consent.” Good cause exists in this matter because, as trial is currently scheduled to begin in less than three months, if the trial date and remaining deadlines are not continued the parties will be forced to prepare for trial on issues that may ultimately be disposed of on summary judgment. As a result, the parties may expend significant time and costs on issues that are, following the Court’s ruling(s) on the parties’ summary judgment motions, no longer before the Court and not at issue during trial. Therefore, for purposes of judicial economy, the parties propose that the Court grant a three-month extension of the trial date and all remaining deadlines in this matter, with the specific trial date and related deadlines to be reset, if appropriate, after the Court rules on the parties’ summary judgment motions. This request for an extension is not made for purposes of delay, but rather to permit the parties additional time to focus on and prepare for trial solely on the issues remaining before the Court following the Court’s ruling(s) on the parties’ summary judgment motions. An extension of the trial dates and related dates will, therefore, promote efficiency and judicial economy.

Additionally, after summary judgment rulings are issued, the parties intend to further explore whether amicable resolution is possible. This extension will allow the parties to explore amicable resolution of this matter without incurring substantial further costs or requiring additional time and resources on behalf of the Court.

The parties respectfully request that the Court grant an extension of the trial date and all remaining deadlines in this matter for a period of three months from the date summary judgment rulings are received in this matter, with the specific trial date and related deadlines to be reset after the Court rules on the parties’ summary judgment motions. A proposed order is included herewith.

DATED this 28th day of September, 2022.

STEIN, SUDWEEKS & STEIN, PLLC

/s/ Jerry H. Stein

/s/ Justin D. Sudweeks

/s/ Daniel J. Stein

/s/ Jessica R. Burns

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Attorneys for Defendants Country Casualty Insurance

Company and Country Mutual Insurance Company

ORDER

Based on the above Stipulated Motion, IT IS SO ORDERED that the trial date in this matter is continued for approximately 60 days. The Court hereby strikes the current dates and deadlines and sets the following amended trial and pretrial schedule:

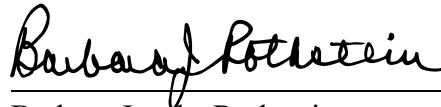
Trial begins: February 20, 2023.

Motions in Limine Due: January 16, 2023.

Joint Pretrial Statement Due: January 23, 2023.

Pretrial Conference: February 6, 2023.

DATED this 11th day of October, 2022.



Barbara Jacobs Rothstein
U.S. District Court Judge

Presented by:

STEIN, SUDWEEKS & STEIN, PLLC

/s/ Jerry H. Stein

/s/ Justin D. Sudweeks

/s/ Daniel J. Stein

/s/ Jessica R. Burns

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MOTIONS - 6

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